

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LANA L. STARKEY,

Plaintiff,

vs.

AMBER ENTERPRISES, INC., a Corporation;  
HY-VEE, INC., a Corporation; and MIKE  
AGOSTINO, Individually;

Defendants.

**8:17CV29**

**ORDER**

A telephone conference regarding a discovery dispute was held before the undersigned on September 28, 2018. Following discussion with the parties,

**IT IS ORDERED** as to Plaintiffs' Requests for Production of Documents to Defendants:

1. Defendants' responses to Request for Production Nos. 7, 8, and 9 are currently sufficient. However, Defendants shall provide Plaintiff with a written statement as to the timeline for the alleged Medicaid overpayments and the dollar amount of such overpayments.

2. Defendants responses to Request for Production Nos. 10 and 11 are currently sufficient. However, the responses may be revisited based upon information learned during depositions.

3. Defendants have supplemented their responses to Request for Production Nos. 13, 23, and 45. Plaintiff reserves the right to reassert objections to Defendants' responses following review of the supplemental responses.

4. Defendants' response to Request for Production No. 38 is sufficient.

5. The parties shall confer regarding Request for Production Nos. 16 and 17 as to narrowing search terms and the timeline.

6. Defendants shall supplement their responses to Document Production Request Nos. 21 and 22 to provide disciplinary reports related to Ms. Rice and Ms. Tomes regarding the Medicaid overpayment issue.

7. Defendants represent that all documents have been produced that are responsive to Request for Production No. 24.

8. The parties shall meet and confer to narrow the scope of Document Production Request Nos. 25 and 26. In order to do so, Plaintiff shall provide Defendants with a list of individuals who Plaintiff believes are comparators. Defendant reserves the right to object to the individuals who Plaintiff identifies as comparators.

9. Defendants responses to Document Production Request Nos. 39 and 40 are sufficient as the documents requested are privileged.

10. Plaintiff shall review the emails produced in response to Document Production Request Nos. 41 and 42. The parties shall confer in the event Plaintiff believes additional information is necessary.

**IT IS FURTHER ORDERED** as to Defendants' discovery requests:

11. Plaintiff's responses to Request for Admission Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 are sufficient.

12. Plaintiff shall answer Interrogatory Nos. 3, 10, 11, and 15 served by Defendant Mike Agostino. Plaintiff has supplemented her responses to Interrogatory Nos. 9, 12, and 13 served by Defendant Mike Agostino. Defendants reserve the right to reassert objections to Plaintiff's responses following review of the supplementation.

13. Plaintiff has supplemented her responses to Document Production Request Nos. 3, 14, and 32 served by Defendant Mike Agostino. Defendants reserve the right to reassert objections to Plaintiff's responses following review of the supplementation.

14. Plaintiff shall answer Interrogatory Nos. 12 and 13 served by Defendant Amber Enterprises, Inc. Defendants have withdrawn their objection to Plaintiff's response to Interrogatory No. 10 served by Defendant Amber Enterprises, Inc. as the response was supplemented.

15. Plaintiff has supplemented her responses to Interrogatory Nos. 4, 5, 7, and 9 served by Defendant Amber Enterprises, Inc. Defendants reserve the right to reassert objections to Plaintiff's responses following review of the supplementation.

16. Plaintiff shall respond to Interrogatory Nos. 1, 2, and 3 served by Defendant Amber Enterprises, Inc.

17. Plaintiff shall answer Interrogatory No. 8 served by Defendant Amber Enterprises, Inc. limited to the time frame of 2013 to the present.

18. Plaintiff shall supplement her responses to Request for Production Nos. 8, 9, and 13 served by Defendant Mike Agostino to provide premium and benefit information for 2015 and 2016.

19. Plaintiff shall respond to Request for Production Nos. 33 and 34 served by Defendant Mike Agostino.

Dated this 28th day of September, 2018.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge